

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20794

v

Honorable Thomas L. Ludington

WILLIAM MCARTHUR SMITH,

Defendants.

**ORDER DENYING MOTION FOR PRODUCTION OF RECORDS
WITHOUT COST TO DEFENDANT AND DENYING APPLICATION
TO PROCEED *IN FORMA PAUPERIS***

On June 13, 2016 Defendant William McArthur Smith filed a motion requesting production of records without cost, together with an application to proceed *in forma pauperis*. See ECF Nos. 34, 35. Smith states that he required the records “in order to effectively present arguments in a legal action Smith is currently preparing.” Smith has not provided the Court with any further information regarding the character of his forthcoming legal proceeding. Assuming that Smith seeks the free transcripts to assist him in filing a motion under 28 U.S.C. § 2255, he must not only be certified to proceed *in forma pauperis* under 28 U.S.C. § 1915, but also must set forth specific factual allegations in support of his forthcoming § 2255 motion. See *United States v. Chambers*, 788 F. Supp. 334, 338 (E.D. Mich. 1992). Only then will the Court decide whether Smith should be granted a free transcript.

Because Smith has not even stated whether he intends to file a § 2255 motion, much less set forth any specific factual allegations in support of such a motion, Smith’s motion will be denied without prejudice. Smith’s application to proceed *in forma pauperis* will similarly be denied without prejudice.

Accordingly, it is **ORDERED** that Defendant Smith's motion requesting production of records without cost, ECF No. 34, is **DENIED without prejudice**.

It is further **ORDERED** that Defendant Smith's application to proceed *in forma pauperis*, ECF No. 35, is **DENIED without prejudice**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 22, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 22, 2016.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager